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OUTGOING LTR NO.ORDER # 4760.1  
RF 07-324

## EG&amp;G ROCKY FLATS

ST.	ltr	BC
ARAL, M.E.		
RLINGAME, A.H.	X	
SBY, W.S.		
ANCH, D.B.		
ARNIVAL, G.J.		
VIS, J.G.		
RRERA, D.W.		
AY, R.E.		
IS, J.A.		
OVER, W.S.		
LAN, P.M.		
NNI, B.J.		
ARMAN, L.K.		
ALY, T.J.		
DAHL, T.		
SIG, J.G.		
ITCHINS, N.M.		
CKSON, D.T.		
LL, R.E.		
JESTER, A.W.		
ARX, G.E.		
DONALD, M.M.		
KENNA, F.G.		
NTROSE, J.K.		
ORGAN, R.V.		
OTTER, G.L.		
ZUTTO, G.L.		
SING, T.L.		
ANDLIN, N.B.		
SHWARTZ, J.K.		
ETLOCK, G.H.		
EWART, D.L.		
TIGER, S.G.	X	
OBIN, P.M.		
JORHEIS, G.M.		
ILSON, J.M.		

EG&amp;G ROCKY FLATS, INC.

ROCKY FLATS PLANT, P.O. BOX 464, GOLDEN, COLORADO 80402-0464 • (303) 966-7000

July 12, 1994

94-RF-07324

Jessie M. Roberson  
Acting Assistant Manager for  
Environmental Restoration  
DOE/RFFO

OPERABLE UNIT (OU) 1 HOT SPOT REMOVAL - SGS-401-94

Action: Decision on OU 1 Hot Spot Removal

This letter clarifies the position of EG&G Rocky Flats, Inc. on OU 1 accelerated hot spot removal and expresses EG&G's desire to correct this problem. In accelerating hot spot removal, EG&G is eager to show its resolve to protect workers and the environment and to accelerate the cleanup of Rocky Flats through a sensible and responsible approach.

As the lead agency under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), the Department of Energy/Rocky Flats Field Office (DOE/RFFO) has the legal responsibility and authority to conduct cleanup activities under the current Interagency Agreement (IAG). Concern has been expressed about DOE's removal action authority. Under traditional rules of legal construction, an agency cannot give up its statutory rights unless expressly stated in the IAG. EG&G believes that DOE should exercise its rightful legal authority over removal actions by handling OU 1 hot spot removal as a time critical removal action per the National Oil and Hazardous Substance Pollution Contingency Plan (40CFR §300.415(d)(6) and 40CFR §300.415(m)(2)).

Hot spots at OU 1 are appropriate for accelerated removal under 40CFR §300.415(d)(6), which specifically includes as an appropriate removal activity, "Excavation . . . of highly contaminated soils. . . where such actions will reduce the spread of, or direct contact with, the contamination." This removal action should be accomplished as soon as possible in order to reduce exposure risk to workers. Workers currently take daily well level readings and monthly well samples near the hot spots in Individual Hazardous Substance Site (IHSS) 119.1. Proximity to radioactively contaminated areas puts the workers at unnecessary risk during performance of their routine sampling tasks. It is necessary to keep exposure risk to these workers as low as reasonably achievable. In addition to reducing exposure risk to workers, OU 1 accelerated hot spot removal will eliminate the potential for contaminant migration or mobilization.

According to 40CFR §300.415(m)(2), if an action requires less than six months of planning before removal, an engineering evaluation/cost analysis or its equivalent must be conducted, a sampling and analysis plan must be written and approved by the

Imhoff, H.L.	X	X
Hawk, R.Z.	X	X
Hirsch, P.	X	X
Peters, M.	X	X
Sparks, W.	X	X
SPRINGFIELD, H.H.	X	
JONES CONTROL	X	X
ADMIN RECORD/080	2	2
TRAFFIC		
ATS/T130G		

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SECRET

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CLASSIFIER SIGNATURE  
DOCUMENT CLASSIFICATION  
REVIEW WAIVER PER  
CLASSIFICATION OFFICE  
REPLY TO RFP CC NO:

ACTION ITEM STATUS

☐ OPEN ☐ CLOSED  
☐ PARTIAL

TR APPROVALS:

RIG &amp; TYPIST INITIALS

RH, P

-46463 (Rev. 07/94)

ADMIN RECORD

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CLASSIFICATION OFFICE

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Jessie M. Roberson  
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Environmental Protection Agency (EPA), and the administrative record must be made available to the public within sixty days of initiation of the removal activity, prompting a 30-day public comment period. The proposed OU 1 hot spot removal plan includes all required documentation and approval and is based on a planning period of only 33 days (April 25, 1994 to June 8, 1994). The Sampling and Analysis Plan has undergone agency draft approval and has been issued as final.

Performing the OU 1 hot spot removal in accordance with the proposed amendment to the IAG for accelerated removal actions would delay the removal action significantly due to the addition of a public comment period prior to beginning removal activity and agency approval of the Proposed Action Memorandum. This change in the approval process would result in the start date slipping from July 18, 1994 to September 20, 1994 and at least 57 days of potential exposure risk to workers. Also, because of the delay, possible inclement weather must be taken into consideration. If the ground is wet, rendering detection instrumentation ineffective, or in the event of high winds, which would spread contamination, the hot spots could not be removed. This could postpone start of the removal activity until Spring, 1995. Additionally, delay to September 20, 1994 would increase the total project budget by \$42,000.

All planning and implementation documents are now complete and EG&G is ready to commence removal of the hot spots. We believe that these plans and procedures for hot spot removal meet prudent compliance practices, and feel that it is both reasonable and responsible to remove the hot spots immediately. We await your concurrence on this matter.

If you have any questions or comments please contact Rebecca Hinsch of my staff at extension 8509.



S. G. Stiger, Director  
Environmental Restoration Program Division  
EG&G Rocky Flats, Inc.

RH:tjr

Orig. and 1 cc - J. M. Roberson

cc:

M. H. McBride	-	DOE/RFFO
M. N. Silverman	-	" "
L. W. Smith	-	" "